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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,356	10/008,356 11/13/2001		Kenneth H. Falchuk	10498-00028	5003
22910	7590	03/25/2003			
BANNER &		OFF, LTD.	EXAMINER		
28 STATE STREET 28th FLOOR BOSTON, MA 02109				CRIARES, THEODORE J	
				ART UNIT	PAPER NUMBER
				1617	7
				DATE MAILED: 03/25/2003	φ

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No. Applicant(s)					
•	10/008,356	FALCHUK, KENNETH H.				
Office Action Summary	Examiner	Art Unit				
	Theodore J. Criares	1617				
The MAILING DATE of this communication app Period for Reply	ars on the cov r she t with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM						
THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period where the reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 13 A	<u>lovember 2001</u> .					
2a) ☐ This action is FINAL . 2b) ☐ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) \square Claim(s) <u>1-43</u> is/are pending in the application	•					
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) ☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-43</u> are subject to restriction and/or e	election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner						
10) ☐ The drawing(s) filed on is/are: a) ☐ accep	ted or b)□ objected to by the Exa	miner.				
Applicant may not request that any objection to the						
11)☐ The proposed drawing correction filed on		oved by the Examiner.				
If approved, corrected drawings are required in reply to this Office action.						
12)☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents	2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the prior application from the International Bur	eau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
 a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domestion 						
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)				

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CLAIMS 1-43 ARE PRESENTED FOR EXAMINATION

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, 22-25, and 27-42, drawn to methods of modulating cell proligeration;
- II. Claims 19-26 and 43, drawn to pharmaceutical compositions.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Inventions of Group I and II are related as process (method) and apparatus (compositions) for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

(MPEP § 806.05(e)). In this case the methods of Group I can be achieved by administration of various known anti-cancer drugs.

Further restriction may be required.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Criares whose telephone number is 308-4607. The examiner can normally be reached on 6:30 A.M. to 5:00P.M. Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 305-1877. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6897 for regular communications and N/A for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Theodore J. Criares Primary Examiner Art Unit 1617

tjc March 21, 2003